

EA Form R 1/2007

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: David K. and Teresa A. Harris
PO Box 1
Winnett, MT 59087
2. Type of action: Application to Change Water Right No. 40C 30153247
3. Water source name: Musselshell River
4. Location affected by project: SWNESE Section 7, T12N, R31E, Petroleum County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:
The proposed project is to move the point of diversion for Statement of Claim 40C 30072027. The pump will move downstream from the NESWSW Section 17 T12N R31E to a new pumpsite in the SWNESE Section 7 T12N, R31E, all in Petroleum County. The applicant will divert up to 374.75 Gallons per minute to irrigate the same 42.5 acre place of use.

The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

Montana Department of Environmental Quality – Website
Montana Department of Fish, Wildlife, and Parks – Website
National Wetlands Inventory – Website
Montana Natural Heritage Program – Website
USDA Web Soil Survey – Website

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

N/A – This appropriation is from the Musselshell River, a chronically dewatered stream. The project only changes the point of diversion; the amount of water being diverted will remain the same.

Determination: No significant impact

Water quality - *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

DEQ classifies this stream as a Category 5 where one or more applicable beneficial uses have been assessed as being impaired or threatened. The project only changes the point of diversion; the quality and quantity of water being diverted will remain the same.

Determination: No significant impact

Groundwater - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

No impacts identified. This appropriation is from the Musselshell River. The project only changes the point of diversion; the quality and quantity of water being diverted will remain the same.

Determination: No significant impact

DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

The means of diversion is a pump. The project only changes the point of diversion; the amount of water being diverted will remain the same.

Determination: No significant impact

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any “species of special concern,” or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or “species of special concern.”*

According to the Montana Natural Heritage Program website, the Bureau of Land Management (BLM) lists the Sauger, Black-tailed Prairie Dog, Bald Eagle, Greater Sage Grouse, Sage Thrasher and Spiny Softshell Turtle as sensitive species. The Montana Sage Grouse Habitat Conservation Program lists the place of use and point of diversion within general Sage Grouse Habitat, but are consistent with the Montana Sage Grouse Conservation Strategy. There are no federally listed plant species within the project area.

Determination: No significant impact

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

The conveyance pipeline does not cross any wetlands.

Determination: No significant impact

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

There are no natural ponds within the place of use

Determination: No significant impact

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

No impacts identified. The project only changes the point of diversion; the amount of water being diverted and the place of use will remain the same.

Determination: No significant impact

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

No vegetation was listed as endangered or threatened by the USFWS for the project area. The control of noxious weeds is the responsibility of the property owner.

Determination: No significant impact

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

There are no air quality concerns with this project.

Determination: No significant impact

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

NA-project not located on State or Federal Lands.

Determination: No significant impact

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No additional impacts on other environmental resources were identified.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: NA – Project not located on State or Federal Lands

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: No impact identified

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: This project will have no impact on human health

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

Yes__ No_X_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: There are no additional government regulatory impacts on private property rights associated with this application.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

- (a) Cultural uniqueness and diversity? No significant impact
- (b) Local and state tax base and tax revenues? No significant impact
- (c) Existing land uses? No significant impact
- (d) Quantity and distribution of employment? No significant impact
- (e) Distribution and density of population and housing? No significant impact
- (f) Demands for government services? No significant impact
- (g) Industrial and commercial activity? No significant impact
- (h) Utilities? No significant impact
- (i) Transportation? No significant impact
- (j) Safety? No significant impact
- (k) Other appropriate social and economic circumstances? No significant impact

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts: No significant impact

Cumulative Impacts: No significant impact

3. *Describe any mitigation/stipulation measures:* N/A

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:* There are no reasonable alternatives to the proposed action.

PART III. Conclusion

1. Preferred Alternative: Move the pump location as described in the project

2 Comments and Responses:

3. Finding:

Yes___ No X Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No significant impacts have been identified, therefore an EIS is not necessary.

Name of person(s) responsible for preparation of EA:

Name: Steven B. Hamilton

Title: Regional Manager – Lewistown Regional Office

Date: January 27, 2023